

Notice of Allowability

Application No.

09/846,160

Applicant(s)

FICHTNER, MARK R.

Examiner

Nelson D. Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/17/2006.
2. ☒ The allowed claim(s) is/are 15, 17, 18, 20-22, 25-27 (renumbered as 1-9 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges the amended claims filed on April 17, 2006. Claims 15, 17, 18, 21 and 26 have been amended. Claims 1-14, 16, 19, 23 and 24 have been cancelled.

Terminal Disclaimer

2. The terminal disclaimer filed on April 17, 2006 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of **US Patent 6,256,059 B1** has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

3. **Claims 15, 17, 18, 20-22, 25-27 (renumbered as 1-9) are allowed.**

4. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 15 (renumbered as 1), the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, in combination with the existing elements of the present claim as currently amended, a port driver of an operating system (OS) executed within the host system signaling when the imaging device is connected to the port of the host system, the port driver being associated with a type of the host system; an imaging device driver associated with the

imaging device signaling the port driver upon successfully opening the imaging device; and the imaging device driver acquiring the image information from the imaging device via the port driver and forwarding the acquired image information to the application software.

Regarding claim 17 (renumbered as 5), the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, in combination with the existing elements of the present claim as currently amended, a port driver of an operating system (OS) executed within the host system signaling when the imaging device is connected to the port of the host system, the port driver being associated with a type of the host system; an imaging device driver associated with the imaging device signaling the port driver upon successfully opening the imaging device; and the imaging device driver acquiring the image information from the imaging device via the port driver and forwarding the acquired image information to the application software.

Regarding claim 18 (renumbered as 6), the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, in combination with the existing elements of the present claim as currently amended, a port driver of an operating system (OS) executed within the host system signaling when the imaging device is connected to the port of the host system, the port driver being associated with a type of the host system; an imaging device driver associated with the imaging device signaling the port driver upon successfully opening the imaging device; and the imaging device driver acquiring the image information from the imaging device

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via the port driver and forwarding the acquired image information to the application software.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez
Examiner
Art Unit 2622

NDHH
April 27, 2006


TUAN HO
PRIMARY EXAMINER